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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/657,293	09/08/2003	Robert M. Tice	TIC03-001	9759
30402	7590	09/09/2005	EXAMINER	
WILLIAM STOFFEL PMB 455 1735 MARKET ST. - STE. A PHILADELPHIA, PA 19103-7502			LEGESSE, NINI F	
			ART UNIT	PAPER NUMBER
			3711	

DATE MAILED: 09/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/657,293

Applicant(s)

TICE, ROBERT M.

Examiner

Nini F. Legesse

Art Unit

3711

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 June 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 and 25-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration:
- 5) ☒ Claim(s) 11-13 and 27-31 is/are allowed.
- 6) ☒ Claim(s) 1-5, 8, 25, 26 and 32 is/are rejected.
- 7) ☒ Claim(s) 6, 7, 9 and 10 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Applicant's response to the Office Action of 04/25/05 is acknowledged on 06/27/05.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-5, 8, 25 and 32 are rejected under 35 U.S.C. 102(b) as being anticipated by Bennett (US Patent No. 5,141,307).

With regards to claims 1 – 3, 25 and 32, Bennett discloses a light apparatus (19) adapted to project an alignment segment comprising a segment (20) and an aiming spot on a playing surface (any light area between 21-25 as shown on Fig. 1 could be considered as a spot). Support frame 30 is what is considered a support. Any of the five sequential light rays as shown on Fig. 1 could be considered as a first light source and a second light source. Elements 31 and 32 are considered as the first and second laser light sources. Regarding the intended use set forth in the preamble, the device is inherently capable of being used as a golf-training device. Applicant is not claiming process. See MPEP 2112.

With regards to claims 4, 5, and 8, the intended use limitation of the claims are inherently capable of being performed by adjusting the light housing 66 up and down on the shaft. With regards to claim 8, the four lines as shown on Fig. 6 provide different segments and the line horizontal line between line 80A and 80B and the horizontal line between lines 80C and 80D is considered as disconnected line segments.

Claims 1, 25, 26, and 32 are rejected under 35 U.S.C. 102(b) as being anticipated by Malard et al. (US Patent Application No. 2002/0178596). Malard discloses a light apparatus (10) adapted to project an alignment segment comprising a segment (any of the light rays as shown on Fig. 9A) and an aiming spot on a playing surface (what is shown as reference 87 on Fig. 9A could be considered as a spot). Support frame (12). Please note that on page 4 paragraph 39 it is disclosed that the device could be mounted floor or any flat surface. Therefore it can be concluded that it is capable of being used in a golf game. Regarding the intended use set forth in the preamble, the device is inherently capable of being used as a golf-training device. Applicant is not claiming process. See MPEP 2112. Regarding claim 26, projection lens 74 is considered as a beam spreader.

Allowable Subject Matter

Claims 11-13 and 27-31 are allowed.

Claims 6, 7, 9 and 10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

Applicant's arguments with respect to claims 1-13 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nini F. Legesse whose telephone number is (571) 272-4412. The examiner can normally be reached on 9 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Greg Vidovich can be reached on (571) 272-4415. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Nini F. Legesse
09/03/05